

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

T.C. Spann Bible Institute,

Plaintiff,

v.

Case No. 11-13095

City of Inkster,

Honorable Sean F. Cox

Defendant.

ORDER DENYING
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Plaintiff filed this action on July 18, 2011. On October 25, 2011, Plaintiff filed a Certificate of Service. On November 15, 2011, Plaintiff filed the instant motion seeking entry of a default judgment against Defendants. (Docket Entry No. 6).

On November 16, 2011, Defendant filed a response to the Motion for Entry of Default Judgment, asserting that Defendant was not properly served. On that same date, Defendant filed an Answer.

“An entry of default and an entry of default judgment are two separate events or steps. The first step is the entry of default when it is shown, by affidavit or otherwise, that a defending party on a claim has failed to plead or otherwise defend. The second step is the entry of default judgment.” 46 Am. Jur. 2d *Judgments* § 233. The custom and practice in this Court is that a clerk’s entry of a default is a prerequisite to obtaining a default judgment from the district court. *See e.g., Dahill Management, LLC v. Moore*, 2009 WL 1664559 (E.D. Mich. 2009) (Wherein Chief Judge Gerald Rosen explained that “[t]his Court requires that the Plaintiff first obtain a clerk’s entry of default” before seeking a default judgment from the district court.).

The docket reflects that Plaintiff did not request or obtain a clerk's entry of default as to Defendant.¹ Accordingly, the Court DENIES Plaintiff's Motion for Default Judgment.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 29, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 29, 2011, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager

¹Even if Plaintiff had obtained a Clerk's Entry of Default, in light of the liberal standard for setting aside a default judgment, and the substance Defendant's Response, the Court would set aside the Clerk's Entry of Default.